

Message Text

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DRAFTED BY:L/OES:RJBETTAUER:CBEVANS DOD:MESSRS ALMOND SOLF

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IO/UNP:MR. SCHALLER (DRAFT)

DOD/OSD/ISA:MR. ANDERSON

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R 182217Z DEC 74

FM SECSTATE WASHDC

TO AMEMBASSY BERN

INFO USMISSION GENEVA

USDEL JEC PARIS

AMEMBASSY SAIGON

USMISSION USUN NEW YORK

UNCLAS STATE 277251

C O R R E C T E D C O P Y (PARA 1 LINE 18 OMITTED)

E.O. 11652: N/A

TAGS: VS

SUBJECT: U.S. RESPONSE TO PRG ACCESSION TO GENEVA
CONVENTIONS

1. AMEMBASSY IS REQUESTED TO SEND A NOTE TO THE FEDERAL
POLITICAL DEPARTMENT STATING IN SUBSTANTIVE PART AS FOLLOWS:

"REFERENCE IS MADE TO A TELEGRAM DATED JANUARY 18, 1974, AND
A NOTE OF THE SAME DATE BY WHICH THE FEDERAL POLITICAL
DEPARTMENT OF THE SWISS CONFEDERATION INFORMED THE DEPART-
MENT OF STATE OF THE DEPOSIT BY THE 'PROVISIONAL REVOLU-
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TIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIET-NAM' OF ITS

INSTRUMENTS OF ACCESSION TO THE FOUR GENEVA CONVENTIONS OF 1949 FOR THE PROTECTION OF WAR VICTIMS, SUBJECT TO CERTAIN STATED RESERVATIONS.

"THE GOVERNMENT OF THE UNITED STATES OF AMERICA RECOGNIZES THE GOVERNMENT OF THE REPUBLIC OF VIETNAM AND DOES NOT RECOGNIZE THE 'PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM' AS A GOVERNMENT. BEARING IN MIND, HOWEVER, THAT IT IS THE PURPOSE OF THE GENEVA CONVENTIONS THAT THEIR PROVISIONS SHOULD PROTECT WAR VICTIMS IN ARMED CONFLICT, THE GOVERNMENT OF THE UNITED STATES OF AMERICA NOTES THAT THE 'PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM' HAS DECLARED ITS ACCEPTANCE OF THE PROVISIONS OF THE GENEVA CONVENTIONS OF AUGUST 12, 1949, FOR THE PROTECTION OF WAR VICTIMS, AND HAS INDICATED ITS

INTENTION TO APPLY THEM SUBJECT TO CERTAIN RESERVATIONS. THE RESERVATIONS EXPRESSED WITH RESPECT TO THE THIRD GENEVA CONVENTION GO FAR BEYOND PREVIOUS RESERVATIONS, AND ARE DIRECTED AGAINST THE OBJECT AND PURPOSE OF THE CONVENTION. OTHER RESERVATIONS ARE SIMILAR TO RESERVATIONS EXPRESSED BY OTHERS PREVIOUSLY AND CONCERNING WHICH THE GOVERNMENT OF THE UNITED STATES HAS PREVIOUSLY DECLARED ITS VIEWS. THE GOVERNMENT OF THE UNITED STATES REJECTS ALL THE EXPRESSED RESERVATIONS, BUT WILL, WITHOUT RECOGNIZING THE 'PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM' AS A PARTY TO THE CONVENTIONS, ACCORD TO THE PERSONNEL OF THE 'PROVISIONAL REVOLUTIONARY GOVERNMENT OF THE REPUBLIC OF SOUTH VIETNAM' THE TREATMENT PROVIDED BY THE CONVENTIONS."

2. PLEASE NOTIFY DEPARTMENT TELEGRAPHICALLY ATTENTION ASSISTANT LEGAL ADVISER TREATY AFFAIRS, WHEN NOTE HAS BEEN DELIVERED AND SEND COPY TO DEPARTMENT. KISSINGER

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NNN

Message Attributes

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